

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

November 2, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, November 2, 2000, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mr. William Barr, Vice Chairman; Mrs. Peg Mailler, Mr. John Meadows, Mr. Eugene Lofdahl, Dr. James Branscome and Mr. James VanLuven. Also present were Mr. Paul McCulla, County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator; Ms. Holly Meade, Zoning Planner; and Mrs. Beverly Pullen, Office Associate.

MINUTES

The minutes of the October 5, 2000 meeting were approved as distributed.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #46385 WILLIAM A. HAMP, III, TRUSTEE (OWNER)

Applicant is requesting special permit approval for the location of a construction office for a period longer than two years. The subject property is identified as PIN# 6899-75-6513-000, contains approximately 6.00 acres, zoned I-2 (Industrial), located on Bealeton Road (State Route 805), in Cedar Run District.

Mr. Hodge reviewed the staff report and stated that the applicant had an administrative permit approved in January of 1999 to locate the temporary office trailer. He further stated that administrative permits may not exceed two (2) years in duration. He explained that the special permit is required because the trailer will be on site longer than the two (2) years allowed via the administrative permit.

Ms. Karen Coleman of Eastern Clearing was present in support of this request.

Mr. Rider asked Ms. Coleman for the approximate period of time for the use of the office trailer.

Ms. Coleman explained that they are planning to construct a permanent office and shop building, but due to a delay beyond their control, they need to use the office trailer for at least the next eighteen (18) months, but no longer than twenty-four (24) months.

Mr. Lofdahl asked why the additional time period is being requested.

Mrs. Bowen stated that due to problems with taking title to the property, settlement has been delayed.

Mr. Meadows asked if the problem was within their control, and Mrs. Bowen indicated that it was not, and that she has seen the proposed plans for the permanent office and shop building.

Mr. Rider asked if anyone wished to speak regarding this request and no one else spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Barr, it was moved to grant special permit #46385, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-805

Standards and Time Limits for Construction Office, Watchman Quarters and/or Equipment Shed

In addition to the general standards set forth in Section 006 above, the following general standards shall apply:

1. An administrative special permit may be issued for a period not to exceed two (2) years.
2. An administrative special permit may be extended beyond its two-year limit by the BZA based on a finding (in addition to other applicable standards) that the construction project is of sufficient scope and magnitude to warrant the continuation of such use(s) and that the applicant is making reasonable and steady progress towards completion of the project to which the use(s) is accessory. Application for such a permit (a temporary special permit, when granted by the BZA) shall be made in accordance with Section 009 above, and shall be granted for a period not to exceed two (2) years, and may be renewed by similar action upon expiration, for successive periods not to exceed two years each.
3. A contractor's office, quarters for not more than two watchmen, and equipment sheds, including trailers and/or mobile homes used therefore, shall

be allowed on or immediately adjacent to an active construction site to which they are accessory.

4. Such facilities shall not be located on the site earlier than thirty (30) days prior to commencement of actual construction, and shall be removed no later than twenty (20) days after completion of construction.
 5. The area in the vicinity of such use(s) and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto adjacent properties or onto any public right-of-way.
5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
- (1) Special Permit is granted for a period of two years and will expire on November 2, 2002.

The motion carried unanimously.

APPEAL #46407 LYNN A. PIROZZOLI (OWNER)

Applicant has filed an appeal of a determination made by the Zoning Administrator in a letter dated August 30, 2000. The subject property is identified as PIN #6993-15-3605-000, contains approximately 20.36 acres, is zoned Rural Agricultural (RA), and is located at 8393 Meetze Road (State Route 643), in Center District.

Mr. Hodge stated that the applicant has filed this appeal to an interpretation contained in a letter by the Co-Zoning Administrator, Frederick Carr dated August 30, 2000. He further stated that Mr. Carr is present to address this matter.

Mr. Frederick Carr, Director of Community Development and Co-Zoning Administrator of Fauquier County, stated that he has submitted an Affidavit to the Board of Zoning Appeals setting forth his position on the appeal. Mr. Carr explained that the appeal had been filed with regard to a letter he had sent to Lynn Pirozzoli on August 30, 2000 denying the Black Horse Inn site plan amendment because the site plan was not in substantial conformance with the approved Special Exception, #99-C-24. He further explained that the building location, as shown on the proposed site plan, is much closer to the adjoining property owner, Wagner/Bugbee, than that authorized by the Board of Supervisors, the approved special exception plat, and the conditions to the special exception.

Mr. Rider asked if the proposed building of 3,300 is rectangular, and would it fit into the designated circular as approved by the Board of Supervisors.

Mr. Carr indicated that if the building was centered on the patio, it would fit into the circle.

Mr. Rider stated that the special exception approval appears to have very controversial, and felt that the Board of Supervisors had certain distances in mind, when approving the application.

Mr. Carr stated that the BOS was very specific as to the area marked, due to concerns with noise impacting the adjoining property owner, Wagner/Bugbee.

Mr. Lofdahl asked if the area shown as "C" is proposed to be an open area or enclosed, and Mr. Carr replied that only an enclosed building was approved at the area as designated as "C".

Mr. Robert Sevila, Attorney, was present on behalf of Ms. Pirozzoli, and asked if he could make a brief statement regarding the appeal.

Mr. Rider stated that he could if the information is directly related to the appeal.

Mr. Sevila stated that the Board of Zoning Appeals must determine the intent of the Board of Supervisors and from the language as stated in the Zoning Ordinance.

Ms. Lynn Pirozzoli, Owner of the property, spoke regarding her appeal. She stated that the Black Horse Inn holds weddings, receptions, etc. for many local residents, as well as for persons from many other areas. She stated that the proposed building would put more certainty into her business plans, she wished to build the building to accommodate 200 persons, and was having it designed so as to mitigate sound. She further stated that she has hired Jim Carson, Engineer with Carson, Harris & Associates, Inc. to prepare the site plan. She presented pictures of previously events held, including events held on the patio.

Mr. Merle Fallon, Attorney, stated he had previously represented Ms. Pirozzoli during the special exception application process, which had taken approximately 6-8 months to obtain approval from the Board of Supervisors. He stated that he felt the history of the process is relevant to the application. He further explained that there were 30-40 meetings held with staff during this process, and that draft conditions were made and amended many times. He stated that he felt that the designated circles as shown on the proposed site plan were conceptual. He told the BZA that he did not believe that the size of the proposed new building would fit within the designated circle. He also stated that the key elements with regard to the special exception were to protect the adjoining property owners from the sound, and that the proposed building could not have any openings on the side closest to the adjoining property owners.

Mr. Meadows asked if the 3,300 square foot building would fit into the circular area.

Mr. Fallon stated that he would let Mr. Jim Carson, of Carson, Harris & Associates explain the proposed site plan.

Mr. Carr stated that if the proposed site plan is correct, the building will fit.

Mr. Rider asked Mr. Fallon at what point he ended the representation of Ms. Pirozzoli, and Mr. Fallon responded--after the Special Exception was approved.

Mr. Rider asked Mr. Fallon about the number of meetings held concerning the special exception, and he responded that there were between 35-40 meetings held, some on site and others in the office.

Mr. Jim Carson, Engineer, spoke regarding the preparation of the site plan. He explained that his job was to try to figure out the intention of the Board of Supervisors' conditions. He stated that he assumed the proposed building had to be located in or around the designated circular area. He explained that the only limitation on the building was the maximum size allowed, and that there were no setback limits. He further stated that he felt comfortable after speaking with Ms. Pirozzoli about the location and other issues. He interpreted that the location was to be conceptual. He explained that after he had delivered the site plan to Fauquier County for approval, he received a call from the site plan reviewer, Don Margraf, that the plan violated the Special Exception conditions. He explained that a 3,300 square foot building will not fit within the circle, inclusively, and that the largest rectangular building possible is 2,700 square feet that will fit.

Mr. Rider asked Mr. Carson, if setbacks were ever discussed in his presence, and he stated they were not.

Mr. Lofdahl asked the diameter of the circle, and Mr. Carson scaled it to be 78 feet.

Mr. Meadows asked if the circle was ever given a dimension, and Mr. Carr stated that the proposed building could be superimposed over the circle. Using the site plan, he demonstrated how a "to scale" building could be located within the area designated as area "C".

Mr. Sevila, presented an Affidavit submitted by Hendri Tirtanadi, Architect.

Mr. Sevila stated his concern about newspaper articles and comments. He presented to the BZA a statement to objection to the record. A copy of which is attached to these minutes.

Mr. Sevila stated that in September, 2000, he asked Mr. Carr if the proposed building could be located outside the lines of the circle, and Mr. Carr indicated yes, but no closer to the adjoining property line.

Mr. Rider suggested that the appeal be carried over to the December meeting, to allow the members to review the additional information submitted.

Dr. Branscome made the motion to carry over Appeal #46407 to the December 7, 2000 meeting, and Mr. Van Luven seconded the motion.

The motion carried unanimously.

Mrs. Bowen requested that any additional information to be submitted be received by November 21st, and it was agreed.

Mr. Rider stated that this meeting will be recessed, until December 7, 2000 with the holding of a Closed Meeting at 1:00 P.M., and the regular meeting will begin at 2:00 P.M.

RECESSED: There being no further business before the Board, the meeting was recessed at approximately 3:50 P.M., until December 7, 2000 at 1:00 P.M.

William Rider, Chairman

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

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